

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, May 9, 2006  
Tuesday, 9:07 A.M.

The City Council met in regular session with Vice-Mayor Gray in the Chair. Council Members Brewer, Fearey, Martz, Schlapp, Skelton; present. (Mayor Mayans absent with prior notice.)

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Patsy Eichacker, Deputy City Clerk; present.

Reverend Elisha Berg, Church of the Nazarene, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the May 2, 2006 meeting were approved 6 to 0.

**AWARDS AND PROCLAMATIONS**

## Proclamations

**Proclamations:**

Vice-Mayor Gray read aloud the following proclamations:

- Arson Awareness Month
- Music Week
- RiverFest XXXV Week
- WIBA 75th Anniversary Recognition Day

## Presentation

**Presentation of MiniMPA Certificates:**

Professor Ed Flentje Gray presented certificates of completion to Greg Baalman, Terri Dozal, Jade Dundas, Darrell Haynes and Mark Stanberry.

**PUBLIC AGENDA**

## Marydel Grayum

**Marydel Grayum – Recycling.**

Ms. Grayum stated that recycling needs are extensive. Also that the Great Plains Institute Award has been earned for their recycling efforts as well as a certificate from KDHE. Is very concerned that bottles and cans are not recycled at the Riverfest. Would like to seem more being done by City and County.



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Motion--

Vice Mayor Gray moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0.

--carried

PUBLIC WORKS DEPARTMENT/FLEET DIVISION: Utility Trailer 24,500#, G.V.W.R.

Victor L Phillips Company - \$50,832.00 (Group 1/BaseBid)  
1,444.00 (Group 1/Option 1)  
\$52,276.00 (Group 1/Total Bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Ferrous Chloride.

OFS Inc. - \$445,000.00\*(Group 1/Total Base Bid)  
\*Estimate - Contract approved on unit cost basis.

INFORMATION TECHNOLOGY-(IT/IS) DEPARTMENT/OPERATIONS DIVISION: LaserFiche System - Seven (7) Replacement Servers/RQ600798)

Del Marketing L.P. - \$67,056.45\* (WSCA Contract Number: A63307  
Contract Number: 07979)

\*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

FIRE DEPARTMENT/SAFETY DIVISION: Thermal Imaging Cameras and Accessories (13 @ \$7,191.75 each).

Municipal Emergency Services/DBA MIES - KAN\* - \$93,492.75  
\*Purchases utilizing Sole Source of Supply-Ordinance No. 35-856, Section 2. (b)

Motion--

Vice Mayor Gray moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0.

--carried

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Rick W. Brazile	Wal-Mart Supercenter #3283	10600 West 21st Street
Kim T. Huynh	Kim Son Asian Food Market	960 East Pawnee
<u>New Establishment</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Dewey McFeeters	Taco Chop, LLC*	3825 South Seneca
<u>New Operator</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Navid Hafri	24K LLC dba Valero	1622 South West Street
Evan Nguyen	Evans Company	3733 North Arkansas
<u>Special Event</u>	<u>June 10-11, 2006</u>	
Juanita Albert	Big Dog Motorcycles Tornado Rally	1520 East Douglas

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--

Vice-Mayor Gray moved that the licenses subject to Staff review and approval be approved. Motion carried 6 to 0.

--carried

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## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a) Lateral 379 Four-Mile Creek Sewer to serve Krug North Second Addition - north of 21st Street North, west of 143rd Street East. (468-84055/744177/480865) Does not affect existing traffic. (District II) - \$153,000
- b) Water Distribution System to serve Krug North Second Addition - north of 21st Street North, west of 143rd Street East. (448-90096/735310/470981) Does not affect existing traffic. (District II) - \$117,000
- c) Lateral 9, Main 13, Sanitary Sewer #23 to serve Falcon Falls 3rd Addition - north of 45th Street North, west of Hillside. (468-84096/744181/480869) Does not affect existing traffic. (District I) - \$188,000
- d) Water Distribution System to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (448-89984/735303/470974) Does not affect existing traffic. (District V) - \$91,000
- e) Water Distribution System to serve Whispering Lakes Estates Addition - south of Harry, west of 159th Street East. (448-90166/735300/470971) Does not affect existing traffic. (District II) - \$72,000
- f) Jewell from the west line of Lot 8, Block B, west to the west line of Upland Hills; Upland Hills from the north line of Jewell south to the south line of Lot 11, Block D; Grant from the east line of Upland Hills east to the west line of Lot 1, Block D; Jewell Court from the south line of Jewell south to and including the cul-de-sac; Upland Hills Court from the westerly line of Upland Hills north to and including the cul-de-sac; Sidewalk along one side of Jewell, Upland Hills, and Grant to serve Turkey Creek Second Addition - north of Pawnee, west of 119th Street West. (472-84029/765983/490098) Does not affect existing traffic. (District V) - \$509,000
- g) CDBG City of Wichita Park Lighting, Phase I: McAdams Park - south of 17th Street, east of Ohio Street. (472-84409/092006/785050/395182) does not affect existing traffic. (District I) - \$35,000

Motion--carried

Vice-Mayor Gray moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0.

## PETITIONS

### PETITIONS FOR PUBLIC IMPROVEMENTS:

## HARVEST RIDGE

### CONSTRUCT A SANITARY SEWER IN HARVEST RIDGE ADDITION, WEST OF MAIZE, SOUTH OF 31ST STREET SOUTH. (DISTRICT IV)

Agenda Report No. 06-0469

On July 15, 2003, the City Council approved a Petition to construct a sanitary sewer in Harvest Ridge Addition with the total cost assessed to the improvement district. It has since been determined that part of the sewer system will function as a sanitary sewer main to serve areas outside the improvement district. The developer has submitted a new Petition to modify the budget to provide Sanitary Sewer Utility funding for a 14.19% of the project cost. The Utility share represents 50% of the cost of the pipeline that is sized as a sewer main. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located west of Maize, south of 31st St. South.

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The existing Petition totals \$166,000 with the total paid by special assessments. The new Petition totals \$166,000 with \$142,500 assessed to the improvement district and \$23,500 paid by Sanitary Sewer Utility Funds.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Motion--  
--carried

Vice-Mayor Gray moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0.

## RESOLUTION NO. 06-210

Resolution of findings of advisability and resolution authorizing improving of Lateral 2, Main 5, Cowskin Interceptor Sewer (west of Maize, south of 31<sup>st</sup> Street South) 468-83660, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton.

## EMERALD BAY

### **CONSTRUCT A SANITARY SEWER IN EMERALD BAY ESTATES ADDITION, WEST OF WEST STREET, NORTH OF 21ST STREET. (DISTRICT V)**

Agenda Report No. 06-0470

On January 24, 2006, the City Council approved a Petition to construct a sanitary sewer in Emerald Bay Estates Addition. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located west of West Street, north of 21st Street.

The existing Petition totals \$563,000. The new Petition totals \$997,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Motion--  
--carried

Vice-Mayor Gray moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0.

## RESOLUTION NO. 06-211

Resolution of findings of advisability and resolution authorizing construction of Lateral 1, Main 23, Southwest Interceptor Sewer (west of West Street, north of 21<sup>st</sup> Street) 468-84139, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton.

## DEEDS/EASEMENTS

### **DEEDS AND EASEMENTS:**

- a) Drainage and Utility Easement dated April 7th, 2006 from International Trading, Inc. over a tract of land lying within a portion of Lot 31, Block 4, Woodland Lakes Estates Third Addition, an Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City.

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- b) Drainage and Utility Easement dated March 10th, 2006 from Kansas Bait & Tackle, LLC, a Kansas limited liability Company over a tract of land lying in Lots 5 and 6, Block 1, North Ridge Village Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City.
- c) Drainage Easement dated January 5, 2005 from The Catholic Diocese of Wichita, a Kansas Corporation over a portion of Government Lot 3 in the NW 1/4 of Sec. 6, Twp. 27-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, (OCA # 607861). No Cost to City.
- d) Underground Drainage Easement dated March 15th, 2006 from Twenty First Growth, L.L.C. over a tract of land lying in a portion of Lot 7, Block 1, Hawthorne Fourth Addition, an Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- e) Dedication dated March 30, 2006 by I.T.J Investments, Inc., a Kansas Corporation over a tract of land lying in the East 1/2 of the NE 1/4 of Sec.5, Twp 28-S, R-2-E of the 6th P.M., Sedgwick County, Kansas, (OCA # 607879). No Cost to City.
- f) Dedication dated April 3, 2006 by The Villas At Waterford, LLC, a Delaware Limited Liability Company over a tract portion of Lot 16, Block 1, Mediterranean Plaza, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City.
- g) Sanitary Sewer Easement dated April 10, 2006 from Monica L. Walker, Jimmie D. Walker, and Geneva C. Marx over a tract of land lying in the South Half of the Southeast Quarter of the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the Sixth P.M. in Sedgwick County, Kansas (OCA # 714440). No Cost to City.
- h) Sanitary Sewer Easement dated March 24, 2006 from Donna S. Veith, Trustee of the Donna S. Veith Trust over a tract of land lying in the South Half of the Southeast Quarter of the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the Sixth P.M. in Sedgwick County, Kansas (OCA # 714440). No Cost to City.
- i) Sanitary Sewer Easement dated March 10, 2006 from William P. Veith, Trustee of the Julie A. Veith over a tract of land lying in the South Half of the Southeast Quarter of the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the Sixth P.M. in Sedgwick County, Kansas (OCA # 714440). No Cost to City.

Motion--carried

Vice-Mayor Gray moved that the documents be accepted. Motion carried 6 to 0.

## STREET CLOSURE

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

## ON CALL SERVICES

### CITY BUILDINGS AND FACILITIES, ON-CALL ARCHITECTURAL SERVICES.

Agenda Report No. 06-0471

Contracting for professional services is conducted per Administrative Regulation 1.2 (AR 1.2) which refers to projects as either Class B (Projects where consultant fees are below \$25,000) or Class A (Projects where consultant fees are over \$25,000). Every year the City has numerous small Class B projects involving remodeling or modifying City facilities that require architectural services. The practice has been to publish a Request for Proposal (RFP) and to contract for professional services following AR 1.2 on each project separately. On Class B projects, this is a very time consuming process for both City staff and the architects that can often be disproportional to the limited services required and the smaller fees involved.

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Beginning with the 2005 CIP, funds have been allocated to Facility Space Utilization/Ergonomic Improvements and to City Facilities ADA Compliance with additional allocations programmed for the coming years. Both of these CIP allocations are creating many new Class B projects. When combined with the numerous Class B projects that normally occur based on other funding sources, the total number of separate projects makes doing an RFP for each project very time consuming.

A common practice for large organizations with a multiplicity of small projects needing architectural services is to retain an architectural firm on an on-call basis. Services provided by the architect may vary greatly from project to project depending on the issues involved. Valuable time and money is saved by eliminating the time consuming RFP process for each small project. Sedgwick County, USD 259, Wichita State University and McConnell AFB are examples of local governmental entities currently using on-call architectural services.

On October 10th, 2005, Purchasing issued RFP No. FP500080 – Architectural Services for Office Remodeling Layouts. The Staff Screening and Selection Committee narrowed the list of 5 respondents to 3 firms based on their proposed fees and ability to do the work in a timely manner. The 3 firms were McCluggage Van Sickle and Perry, Spangenberg Phillips and Architectural Innovations. Telephone interviews were conducted with the 3 firms, and McCluggage Van Sickle and Perry (MVP) was selected. In order to begin work on several projects in City Hall as quickly as possible, a short-term contract was approved by the City Manager and executed with MVP in the amount of \$15,000.

Due to the large number of Class B projects being scheduled for 2006 and beyond, Purchasing has recommended that the City contract with MVP for on-call architectural/engineering services for Class B projects. This contract will be limited to projects with professional fees not to exceed \$25,000 on an as-needed basis for one year, and with total fees for all projects not to exceed \$250,000 per year. The contract will have a renewal option for one year that may be exercised at the City's option. Professional Services for all Class A projects with professional fees over \$25,000 will continue to be contracted for individually following AR 1.2. The City reserves the right to contract some Class B projects to other firms in compliance with AR 1.2 when doing so is determined to be in the City's best interest.

The Contract will not obligate the City to use the on-call architects for any specific project. On City projects where architectural services are required, the architectural fees become a portion of the total cost of that project. Architectural services are only used on projects that have approved funding and have been assigned an OCA number. The on-call architects will be required to provide a fee quotation that must be reviewed and approved by the appropriate City staff prior to being given authorization to begin work on any project. The total volume of architectural fees under this contract will depend on the total number of Class B projects and the types of projects that are approved and assigned to the on-call firm. However, the total fees on all projects will not exceed a maximum of \$250,000 per year.

The Law Department has approved the Agreement as to form.

Motion--  
--carried

Vice-Mayor Gray moved that the Contract be approved and the necessary signatures authorized.  
Motion carried 6 to 0.

## TENNIS CENTER

### TENNIS SERVICES AND MANAGEMENT-RALPH WULZ TENNIS CENTER. (DISTRICT VI)

Agenda Report No. 06-0472

The operational services and management of the Ralph Wulz Riverside Tennis Center have been contracted out since 2001. The City is currently under contract with Mr. Jack Oxler. Mr. Oxler has provided professional tennis services for the past three years. The current tennis contract is scheduled to expire May 31, 2006.

A request for proposal (RRP 600039) to provide for a Tennis Professional and Management Services of the Ralph Wulz Riverside Tennis Center was issued earlier this year. The RFP was sent out to six (6) professional tennis service providers and was advertised in the newspaper. Only one provider

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responded to the RFP. The proposal submitted by Mr. Jack Oxler meets the RFP criteria in terms of qualifications, experience, references and ability to provide professional tennis management services.

Implementation of the contract's terms may be achieved with no net increase to the basic operational costs. The new contract will be for June 1, 2006 to May 31, 2007 with an option to renew the contract under the same terms and conditions for two (2) successive one-year periods by mutual agreement of the parties.

The Law Department has reviewed and approved the contract as to form.

Motion--  
--carried

Vice-Mayor Gray moved that the selection of Mr. Oxler be approved and the necessary signatures authorized. Motion carried 6 to 0.

## **COUNTRY HOLLOW STAKING IN COUNTRY HOLLOW ADDITION, SOUTH OF KELLOGG, EAST OF 127TH TREET EAST. (DISTRICT IV)-SUPPLEMENTAL.**

Agenda Report No. 06-0473

The City Council approved the storm water drainage improvements in Country Hollow Addition on November 8, 2005. On February 14, 2006 the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to MKEC will be on a lump sum basis of \$33,000 and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0.

## **FOOD SERVICES RENEWAL OF FOOD SERVICE ESTABLISHMENT INSPECTION CONTRACT WITH KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT.**

Agenda Report No. 06-0474

The Environmental Health Department has conducted inspections of food service establishments within Sedgwick County on behalf of the KDHE for over twenty-five years. Local staff enforces state regulations and utilizes state enforcement mechanisms as appropriate. KDHE remits eighty percent of license revenue (as established by Kansas statute) to the City, and provides enforcement assistance and training for local staff. KDHE has proposed renewal of this contract for state fiscal year 2007 (July 1, 2006 through June 30, 2007.)

Contract inspections by local entities reduce duplication of effort, provide a single source of contact for industry and citizens, and contribute substantially to local food protection budgets. Use of KDHE regulations and enforcement procedures promotes consistency with other jurisdictions within the state.

Staff estimates the value of the contract at approximately \$320,000 annually, representing the major funding source for local food protection activities. A similar contract with the Kansas Department of Agriculture for inspections of food service establishments located in retail food stores is projected to yield approximately \$41,000, and \$42,000 is projected from the sale of City grocery and food processor licenses.

The Department of Law has reviewed the contract, and approved it as to form.



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Motion--  
--carried

Vice-Mayor Gray moved that the contract with the Kansas Department of Health and Environment be approved and the necessary signatures authorized. Motion carried 6 to 0.

## **KRUG NORTH**

### **KRUG NORTH SECOND ADDITION, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)**

Agenda Report No. 06-0475

The City Council approved the water distribution system, sanitary sewer and paving improvements in Krug North 2nd Addition on August 2, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer and paving in Krug North 2nd Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$47,000 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0.

## **WOODLAND LAKES**

### **WOODLAND LAKES ESTATES THIRD AND FOURTH ADDITIONS, SOUTH OF LINCOLN, WEST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 06-0476

The City Council approved the water distribution system, sanitary sewer and paving improvements in Woodland Lakes Estates 3rd & 4th Additions on September 21, 2004.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer and paving in Woodland Lakes Estates 3rd & 4th Additions. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$32,700 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0.

## **2007 CSBG**

### **2007 COMMUNITY SERVICES BLOCK GRANT DISCRETIONARY FUND APPLICATION.**

Agenda Report No. 06-0478

The Community Services Block Grant (CSBG) is a federal program targeted to the needs of the low-income. In addition to the formula funds granted to the City of Wichita by the State of Kansas Housing Resources Corporation, CSBG Discretionary Funds have become available through a competitive Request for Proposal. The proposal is due on May 12, 2006.

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The City Manager's Career Development Office (CDO) is responsible for administration of the CSBG formula funds. The CDO also provides employment services to several hundred welfare recipients each year through a purchase of services agreement with the Kansas State Department of Social and Rehabilitation Services. Many of these clients are diverted from their job search and retention efforts by problems within their families and social circles.

To address these problems, the CDO has prepared a proposal for \$64,000 of CSBG Discretionary Funds to train eight of its current professional staff in Marriage, Family, and Relationship counseling skills. The staff's use of these skills with their clients will result in outcomes of:

- increased client engagement in their CDO services as marriage, family, and relationship problems are recognized and resolved,
- an increase in the number of clients ready for employment,
- an increase in the parenting skills of the clients.

No general operating funds from the City's budget are obligated by the application. The proposal budgets:

- \$30,746 in staff time for training, then incorporating the new marriage, family and relationship component into individual counseling and group workshops,
- \$20,000 for two consultants, five days each to train staff,
- the balance for materials, supplies, software, and printing.

The CSBG Review Committee met on April 26, 2006 to consider the Application and voted unanimously to recommend approval by the City Council.

Motion--  
--carried

Vice-Mayor Gray moved that the proposal for 2007 Community Services Block Grant Discretionary Funds be approved and the necessary signatures authorized. Motion carried 6 to 0.

## WATER BUDGET

### WATER DISTRIBUTION INVENTORY BUDGET.

Agenda Report No. 06-0479

The Water Utility has an annual inventory budget of \$1.3 million, managed by the Water Distribution division. This budget allows the division to maintain an inventory of materials and small equipment used on a daily basis, and to take advantage of bulk purchases.

As materials and equipment purchased through inventory are used, the cost is transferred to the correct Organizational Cost Account (OCA) in either the Operating budget or the CIP budget, and to the correct Object Level (OL3). The Operating budget includes both the inventory and expense budgets, but at year-end the expense is recorded only in the correct OCA and OL3, rather than in the inventory budget. Nothing is purchased through inventory that is not also budgeted in either the Operating budget or the CIP budget.

CIP project W-552, AMR Implementation Phase II, was approved by the City Council on December 13, 2005, with a budget of \$2.9 million with approximately \$1 million allotted for automated meters. The meters are initially purchased through the inventory budget so that they can be properly accounted for and so that there are not two sets of meters --- one set purchased through inventory and one set purchased through the CIP project. The purchase of these meters, however, is depleting the inventory budget.

Increasing the inventory budget by \$1 million to allow the meters to be purchased through inventory will not increase actual expenditures.

City Council approval is required for budget adjustments.

Motion--  
--carried

Vice-Mayor Gray moved that increasing the inventory budget by \$1 million be approved. Motion carried 6 to 0.

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## **WATERLINE**

### **WATERLINE ALONG HOOVER, NORTH OF ZOO BOULEVARD. (DISTRICT V)**

Agenda Report No. 06-0480

On May 21, 2002, the City Council approved a Petition to construct a waterline along Hoover, between Zoo Boulevard and 23rd St. North, and along 21st, from the K & O Railroad tracks to approximate ¼ mile east of Hoover. Based on the presence of high ground water and the need to increase the size of the pipe, there is not sufficient funding in the project budget to award a construction contract. Resolutions have been prepared to authorize a budget increase.

The project will serve new development along the Hoover corridor north of Zoo Boulevard. It will also create the opportunity for existing residential areas on private water wells to petition for a City water distribution system in the future.

The existing project budget totals \$509,000 with \$160,535 assessed to the improvement district and \$348,465 paid by the Water Utility. The assessment to the improvement district has not changed. The current estimated project cost is \$1,100,000 with \$160,535 assessed to the improvement district and \$939,465 paid by the Water Utility.

The Department of Law has approved the authorizing resolutions as to legal form.

Motion--  
--carried

Vice-Mayor Gray moved that the revised project budget be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 6 to 0.

#### **RESOLUTION NO. 06-212**

Resolution of findings of advisability and resolution authorizing improving of Water Distribution System No. 448-89674 (along Hoover Road, north of Zoo Boulevard), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton.

#### **RESOLUTION NO. 06-213**

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$939,465, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Vice-Member Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton.

## **PARKLAND NAME**

### **NAMING OF PARK LAND AT 11TH STREET AND INDIANA. (DISTRICT D)**

Agenda Report No. 06-0481

City Council Policy 13 delineates the requirements for naming public facilities "... in accordance with their intended use ...". The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration. On March 4, 2003, the City Council approved the official naming committee to be the Board of Park Commissioners.

The 0.30-acre parcel of land at the Southeast corner of 11th and Indiana was acquired in April 2005 with Community Development Block Grant funds as part of the McAdams Neighborhood Revitalization Project. A small neighborhood park was created to offer the neighborhood citizens

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leisure and recreational activities that include playground equipment, park benches, picnic table, trash receptacle, and landscaping.

On February 13, 2006, The Board of Park Commissioners unanimously voted, upon recommendation from the McAdams Neighborhood Association and District Advisory Board I, to recommend the City Council name the park "Paul Laurence Dunbar Park" after the noted poet and author.

Motion--  
--carried

Vice-Mayor Gray moved that naming the park "Paul Laurence Dunbar Park" be approved.  
Motion carried 6 to 0.

## CROSS LOT DRAIN.

### **CROSS-LOT DRAINAGE AGREEMENT AND DRAINAGE EASEMENT AT EAST 21ST STREET NORTH AND JARDINE. (DISTRICT I)**

Agenda Report No. 06-0482

On June 21, 2005, the City Council approved leasing a portion of the former Heartsping site at 2400 North Jardine to the Boys and Girls Club of South Central Kansas and TOP School North Charitable Foundation. These two organizations are building facilities to serve the community. As part of the agreements, the City committed to provide infrastructure improvements to support these projects.

As part of the infrastructure, a cross-lot drainage easement is necessary to handle storm water drainage and cross-lot storm water runoff. While the City is the owner of the property, it is necessary that an easement be granted so that the easements become public record in case ownership was to transfer at some time in the future. To accomplish this, the easements have the City as owner formally granting the easements to the City at large.

There is no financial impact associated with granting the easement.

Motion--  
--carried

Vice-Mayor Gray moved that the easement be granted and the necessary signatures authorized.  
Motion carried 6 to 0.

## PROPERTY ACQ.

### **CONTRACT EXTENSION FOR THE ACQUISITION OF A PORTION OF 7700 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (DISTRICT II)**

Agenda Report No. 06-0483

On January 24, 2006, the City Council approved the acquisition of a portion of the property at 7700 East Kellogg, which is required for the planned East Kellogg/Rock Road Improvement Project. The property is improved with the Town East regional shopping mall and several free standing commercial buildings. The proposed improvements require 97,955 square feet. This includes 63,028 square feet of parking along Kellogg, 4,681 square feet of parking along Rock Road and 30,246 square feet of the sites currently occupied by a restaurant and a motel.

The contract for the acquisition called for a closing on February 28 with two thirty-day extensions. Due to the complexity of the transactions, significant due diligence has been required. Both contractual extensions have been exercised to allow the completion of the pre-closing items. An additional extension of thirty days is required to complete the items required to allow the completion of this transaction.

There is no cost associated with the City. The acquisition costs remain the same as those approved on January 24.

The Law Department has approved the amendment as to form.

Motion--  
--carried

Vice-Mayor Gray moved that the first amendment to contract for conveyance and exchange of real estate purchase be approved and the necessary signatures authorized. Motion carried 6 to 0.

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## PROPERTY ACQ.

### **EASEMENT ACROSS CITY-OWNED PROPERTY NEAR PAWNEE AND MCLEAN IN CONJUNCTION WITH THE IMPROVEMENT OF PAWNEE AVENUE. (DISTRICTS III AND IV)**

Agenda Report No. 06-0484

The capital project to improve Pawnee from McClean to Broadway requires the relocation of the natural gas line currently located along the south side of the right of way of Pawnee. Due to space constraints, the line cannot be moved further south within the existing right-of-way. The most efficient option is to relocate the line in an easement that will extend from the southwest corner of Pawnee and McLean, under the Big Arkansas River and reconnecting with the existing line on the east side of the river.

The easement area for the new line location lies totally within City right-of-way. Kansas Gas Service Company will be responsible for securing all permits required to relocate the line. They will also be responsible for boring and laying the actual service line. The initial construction will be done under a temporary blanket easement. Once the line is constructed, a permanent easement will be executed with the easement area exactly described based on the as-built description of the line.

There is no cost to the City.

The Law Department has approved the easements as to form.

Motion--

Vice-Mayor Gray moved that the temporary easement be approved; the execution of the permanent easement, when appropriate, authorized and the necessary signatures authorized. Motion carried 6 to 0.

--carried

## CONTS. & AGRMNTS

### **CONTRACTS, AGREEMENTS AND PURCHASE ORDERS FOR APRIL 2006.**

Motion--carried

Vice-Mayor Gray moved that the report be received and filed. Motion carried 6 to 0.

## UNSAFE STRUC.

### **ABATEMENT OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I, III, IV)**

Agenda Report No. 06-0485

The Office of Central Inspection (OCI) supports neighborhood maintenance and improvement through abatement of public nuisances under Titles 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or board up and secure private property that is in violation of Housing and Building Code standards, after proper notification of the responsible party/parties. A private contractor, or City staff performs the work, and the Office of Central Inspection bills the cost to the property owner.

State law and City ordinance allow placement of the demolition and board-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the demolition and board up abatements in question, and OCI is requesting permission for the Department of Finance to process the necessary special assessments.

Statements of Charges will be mailed to the property owners on May 19, 2006. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the February 2006 bonds sold. The principal and interest will then be spread for 1-year and placed on the 2006 tax roll.

The assessments are in accordance with City Code 18.16.070, 18.16.080 and 18.16.090.

Motion--

Vice-Mayor Gray moved that the proposed assessments be approved and the ordinance placed on first reading. Motion carried 6 to 0.

--carried

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## ORDINANCE

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ MAY 2, 2006)

- a) Tax Exemptions Millennium Concepts, LLC. (District IV)

#### ORDINANCE NO. 47-022

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Millennium Concepts, LLC so exempted, read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans, absent).

- b) A06-11R-generally located southeast of 47th Street South and Meridian Avenue. (District IV)

#### ORDINANCE NO. 47-023

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans, absent). (A06-11)

### NEW BUSINESS:

## PETITION

### PETITION TO PAVE MERTON, EAST OF SENECA. (DISTRICT IV)

Chris Carrier

Director of Public Works reviewed the item.

Agenda Report No. 06-0486

The signatures on the Petition represent 3 of 5 (60%) resident owners and 41.5% of the improvement district area. District IV Advisory Board sponsored an April 5, 2006, neighborhood hearing on the project. The Board voted 8-2 to recommend approval of the project.

The project will provide paved access to a developed commercial area located east of Seneca, south of Harry.

The estimated project cost is \$136,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.48 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Vice-Mayor Gray

Vice-Mayor Gray inquired whether anyone wished to be heard.

Kent Warteck

Mr. Warteck stated that he is the manager of Lane Western, which is located at 1011 West Harry. Stated that he is here in opposition of this project, basically Merton Street, which is a short one-block section of street and services basically two businesses. Stated that one business is Bell Glass, located

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on the south side of the road, with Railroad right-of-way on property owned by the City of Wichita on which on Wichita Iron and Metal is located and they rent this property from the City of Wichita. Stated that in the improvement district area, their business encompasses about 24% of that area and their bill for this project will be about \$30,000.00. Stated that this project has no benefit to them at all and that the two businesses this project will serve, only one business owner is in favor of this that is directly on Merton Street. Stated that the other problem he has with this project is that the area occupied by Wichita Iron and Metal, which is owned by the City of Wichita, is not assessed any fess towards this project, although that property will be directly benefited by this project. Stated that if the City of Wichita is going to benefit from that, they need to pay their fair share of the bill for this project as well. Asked that the City Council reevaluate the benefit district boundaries and scale it down and let the businesses that want it foot the bill.

Vice-Mayor Gray Vice-Mayor Gray asked if the City of Wichita owns property in a benefit district, if it is common policy not to take part in those special assessment costs.

Gary Rebenstorf Director of Law stated yes and that the City is the initiator of the project, once the Council approves it and the City does not pay itself special assessments.

David Ricke Mr. Ricke stated that he is the operations manager at Spec Building Materials and has the same opinion as the speaker before him. Stated that the costs are extreme for what little access they have to it and no more than they border that street. Stated that improving a street in his opinion would increase the access to the rear of his property and all of their business is conducted to the front of their property, which is Harry Street. Stated that improving the back would provide better access to the back of their property and encourage vandalism and theft. Stated that this street has for many years has acted only as an alley way and a rear entrance into their property. Asked that they be excluded from this project or not do it at all.

Harlin Hartsteen Mr. Hartsteen stated that he is the president and CEO of Wichita Iron and Metal and the dirt road has been there since before 1957, which is when they started their lease of the property. Stated that there are questions regarding whether or not the City legally owns that property at all. Stated that if they do not own the property, then they would definitely be assessed their fair value. Stated that if they are assessed their fair value, they lease the property to him and he would be over a period of time asked to raise his rent to compensate them for the assessment that they would receive. Stated that this is a dead end cul-de-sac and if this project was undertaken, there is only one way into his facility and one way out. If they were going to do this, how would they keep his business open? Stated that they have hundreds of vehicles that come through there everyday. Stated that they have no wish or desire to upgrade a dirt road that is going to what eventually the City hopes to be their property. Stated that he has no plan to leave the property but is on a lease, therefore he could be asked to leave the property under the conditions of the lease if they could prove that they own the property.

Jeff Kennedy Mr. Kennedy stated that he is with the Martin Pringle Law Firm and was asked to appear today for C. D. Stevenson, LLC, which is the record owner of the pie shaped property that is occupied by Spec Building Materials. Stated that they are not questioning the validity of the petitions that were submitted to the City but are questioning the fairness of requiring two property owners to bear about half of the cost of this project. Stated that they receive zero benefit from this project and if you look at the governing statutes with regard to improvement districts and the assessments for the costs related to these improvements, cities are not immunized. Stated that cities are required by statute and should pay their fair share and if the City owns that parcel and the only benefit to be derived from this project, is the use of the street by Wichita Iron and Metal, the City should pay its fair share. Stated that they are not opposed to the project but are opposed to paying an unfair amount for a project that creates no benefit whatsoever to their property.

Council Member Skelton Council Member Skelton asked for clarification regarding the City's fair share of special assessments. Inquired if the City does not pay that special assessment is it absorbed by the City or is that cost transferred to the other adjacent property owners.

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- Gary Rebenstorf Director of Law explained that the cost of the project is determined by the engineers and the petition that is signed by the property owners, in this case, three of the five property owners, then a boundary for the improvement district is drawn by the engineers, which in this case is a reasonable boundary drawn by them. Stated that some of the comments made about property not being benefited by this street being placed here, is that the law from the standpoint of the property itself, not the use of the property, does benefit from the road that goes in there. Notwithstanding whatever type of use is made of that property, then the property benefits from that assessment. Stated that the City is not involved in paying for the special assessments for the project. Stated that the cost is assessed towards the property owners in the benefit district.
- Vice-Mayor Gray Vice-Member Gray closed the public hearing.
- Vice-Mayor Gray Vice-Mayor Gray stated that this is always a difficult issue whenever you have people that contest valid petitions to pave streets or do improvements such as storm water and sanitary sewers. Stated that there is a legal process established that makes it so that once a majority is reached, the people that are within the benefit district, then that petition is typically initiated and the reason for that is if most of the people in that area recognize the value of it and want to pay the dollars for it, then it should be approved. Stated that there is always somebody that does not want to pay and does not think that they derive value from it and that is always as subjective answer. Stated that there is a policy that is longstanding in the City of Wichita that tries to make that process as fair and equitable as possible and it is always difficult and there's always someone that does not like it but does not override the fact that there is still a majority of the resident owners and majority of owners in that area that want to have this road paved and it is not for him to decide whether or not there is a benefit for that road being paved or left as gravel.
- Motion-- Vice-Mayor Gray moved that the petition be approved; the resolution adopted and the necessary signatures authorized.
- Council Member Skelton Council Member Skelton stated that if he understood this correctly, the way he sees it is that the city has a piece of land within this benefit district, and they are not going to pay their fair share and that cost is put out among the rest of the property owners that would have normally been there, that parcel zoned by the city was privately owned and this causes him concern on this issue. The City owns property there and it can be argued that the city property will also receive benefit from the street being paved and he does not see how we can be exempt from that special assessment and put those costs out toward the public.
- Chris Carrier Public Works Director in response to question from Council Member Fearey stated that he believed that Mr. Rebenstorf had summed it up real well, and that everyone in this city pays basically to assessments, a front assessment and a side assessment. Sometimes those paying the side assessments will argue that they don't use the street or get any benefits, but it's still our policy to assess those individuals, and that's basically what we're doing here.
- Vice-Mayor Gray Vice-Mayor Gray stated that the gentleman from Wichita Iron and Metals has some questions regarding the access to his property during construction if this motion passes and asked that Staff visit with him and discuss options available to him on his access.
- Chris Carrier Director of Public Works stated that we build projects every day, and we have to keep access to properties, so this is not anything new for us, and we'll be glad to discuss it.
- Vice-Mayor Gray Vice-Mayor Gray stated that during the time of accessing this property, did they look through the issues of whether or not who owns the property in question, and whether or not that property should be levied a tax to pay back it fair share of assessments, and asked that he be updated when that decision takes place.
- carried carried 6 to 0.



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## RESOLUTION NO. 06-214

Resolution of findings of advisability and resolution authorizing constructing pavement on Merton, east from the east line of Seneca to and including the cul-de-sac (south of Harry, east of Seneca) 472-84410, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton.

## PETITION

### **PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM IN RAINBOW LAKES WEST ADDITION, SOUTH OF CENTRAL, EAST OF 135TH STREET WEST. (DISTRICT V)**

Chris Carrier

Director of Public Works reviewed the item.

Agenda Report No. 06-0487

The signatures on the Petition represent 26 of 30 (86.7%) resident owners and 91% of the improvement district area. District V Advisory Board sponsored an April 3, 2006, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

The project will construct a water distribution system for a developed residential area located south of Central, east of 135th St. West.

The estimated project cost is \$75,000 with the total assessed to the improvement district. The method of assessment is the fractional basis. The estimated assessment to individual properties is \$3,947 per lot.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Vice-Mayor Gray

Vice Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Martz moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0.

## RESOLUTION NO. 06-215

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90195 (south of Central, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton.

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DER2006-00005

**DER2006-00005 - PROPOSED UNIFIED ZONING CODE TEXT AMENDMENTS TO DEFINE "FARMER'S MARKETS," SPECIFY SUPPLEMENTARY USE REGULATIONS FOR FARMER'S MARKETS, AND ADD FARMER'S MARKETS AS AN ALLOWABLE USE IN THE "LC" LIMITED COMMERCIAL, "OW" OFFICE WAREHOUSE, "GC" GENERAL COMMERCIAL, "IP" INDUSTRIAL PARK, "CBD" CENTRAL BUSINESS DISTRICT, "LI" LIMITED INDUSTRIAL, AND "GI" GENERAL INDUSTRIAL ZONING DISTRICTS.**

Agenda Report No. 06-0488

MAPC Recommendations: Approve, subject to staff recommendations, vote (8-1).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve.

A request for regulatory changes to allow outdoor farmer's markets in LC Limited Commercial zoning districts for more than two days per month has been made to at least one City Council Member. There is interest among other City Council Members to define, guide and/or promote the direction and/or regulation of farmer's markets.

At two recent City Council workshops, Council asked MAPD and OCI staff to present information on both current and suggested regulations for outdoor farmers markets. During the workshop presentation on February 14, 2006, Council requested that staff present the farmer's market item to District Advisory Boards (DABs) for additional review and comment. Staff recently presented the draft proposals to the DABs and requested DAB feedback and public input. The proposed amendments have incorporated this input.

Staff has also worked very closely with operators of existing farmer's markets to ensure the proposed amendments will not overburden operators, yet will adequately provide for the health, safety and welfare of the general public.

Farmer's markets are not specifically defined or regulated by either the Wichita-Sedgwick County Unified Zoning Code (UZY) or by City of Wichita "miscellaneous sale" or "transient merchant" licensing ordinances. Therefore, it requires UZY amendments and a new licensing ordinance to address this issue. Per current UZY requirements, outdoor farmer's markets are regulated as "outdoor business promotion and/or sales" (Sec. III-B.e.4). "Outdoor business promotions and/or sales" are limited in the LC Limited Commercial district to not more than two days per month. In less restrictive zoning districts, farmer's markets may occur for an unlimited number of days (provided certain other required City sales and/or vendor/business licenses are obtained).

General direction provided by the City Council with respect to outdoor farmer's markets includes the following:

- Should be defined and regulated in the UZY, and additionally controlled through local licensing
- Should focus primarily on agricultural products grown or raised by local or regional farmers
- Should allow for sale of home crafts, handicrafts and certain home-baked and prepared foods
- Should allow for some transient merchant vendors and other transient/mobile food vendors
- Should be allowed for more than two days per month in the LC zoning district (maximum of five days per month is suggested)

The proposed UZY amendments define "Outdoor Farmer's Market", establish minimum conditions/requirements for outdoor farmer's markets and operation and restrict outdoor farmer's markets to no more than five days per month in all zoning districts where they will be allowed (LC, OW, GC, CBD, LI and GI). The proposed amendments will apply only within the City of Wichita.

MAPC considered this case on April 6, 2006 and voted 8-1 for approval as proposed. There were no public comments either in favor or in opposition to the proposed amendments.

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Vice-Mayor Gray

Vice Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--  
-- carried

Fearey moved to concur with the findings of the MAPC and adopt the text amendments and to place the Ordinance on first reading. Motion carried 6 to 0.

## ORDINANCE

An Ordinance providing amendments to Section II-b.4, Section III-b.14.b (3), Section III-b.15.b (3), Section III-b.16.b (3), Section III-b.17.b (3), Section III-b.18.b (3), Section iii-b.19.b (3), Section iii-b.20.b (3), Section III-d use regulations schedule; and adding Section III-d.6.jj of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition), as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance no. 44-975, dealing with farmer's markets in the City, introduced and under the rules laid over.

### **FARMER'S MARKET    PROPOSED ADOPTION OF LICENSING REGULATIONS FOR FARMER'S MARKETS – NEW CHAPTER 3.94 OF THE CODE OF THE CITY OF WICHITA.**

Agenda Report No. 06-0489

A request for regulatory changes to allow outdoor farmer's markets in "LC" Limited Commercial zoning districts for more than two days per month has been made to at least one City Council Member. There is interest among other City Council Members to define, guide and/or promote the direction and/or regulation of farmer's markets.

During City Council workshops in October 2005 and February 2006, Council asked MAPD and OCI staff to present current and suggested regulations for outdoor farmer's markets, including both Unified Zoning Code (UZC) regulation and related, proposed licensing requirements for outdoor farmer's markets.

At the February 14, 2006, workshop, Council directed staff to present the farmer's market item to District Advisory Boards (DABs) for additional review and comment. During March, staff presented draft proposals to the DABs and requested feedback and public input. The proposed ordinances for outdoor farmer's markets have incorporated this input.

Staff (including MAPD, OCI, Environmental Services and Law) has also worked very closely with operators of existing farmer's markets to ensure the proposed amendments will not overburden operators, yet will adequately provide for the health, safety and welfare of the general public.

Currently, farmer's markets are not specifically defined or regulated by either the Wichita-Sedgwick County Unified Zoning Code (UZC) or by City of Wichita "miscellaneous sale", "transient merchant" or other City licensing ordinances. Therefore, both UZC amendments and a new licensing ordinance are proposed (as complementary ordinances) to address the Council's desire for more specific outdoor farmer's market regulation. Per current UZC requirements, outdoor farmer's markets are regulated as "outdoor business promotion and/or sales", which are limited in the "LC" Limited Commercial district to not more than two days per month, and in less restrictive zoning districts, for an unlimited number of days (provided certain other required City sales and/or vendor/business licenses are obtained).

The proposed UZC amendments and new Chapter 3.94 licensing ordinance define "Outdoor Farmer's Market", establish minimum and specific conditions, requirements and operating guidelines for outdoor farmer's markets, and restrict outdoor farmer's markets to no more than five days per month in all zoning districts where they will be allowed (LC, OW, GC, CBD, LI and GI). The proposed amendments will apply only within the City limits of Wichita.

The proposed licensing ordinance will allow a farmer's market operator/applicant to include other required City licenses and applications as part of the farmer's market license application. The farmer's market license approval may therefore serve as an "umbrella" license for a farmer's market operation; its participating growers, transient merchants and entertainers ("cabarets" or cabaret performers per City

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Code); temporary advertising signage for the market and/or its participants; and tents up to 150 square feet in size to serve the market and/or its vendors. However, for public health and safety reasons, the proposed ordinance requires that certain market participants and/or activities be separately reviewed, inspected and licensed per other existing City Codes, including:

- i Food vendors, food processors, food establishments or temporary food establishments as defined in State Law and by Chapter 7.22 of the Code of the City of Wichita. (NOTE: When a licensee is applying for said license solely to participate in an organized, city-licensed farmer's market, the license fees as set forth in Chapter 7.22 shall be waived, per the proposed ordinance);
- i Activities and/or operations of such a nature as to be considered an amusement ride, ride device, circus, carnival, rodeo or wild animal show per the Code of the City of Wichita.

The proposed ordinance requires farmer's markets to be licensed on a weekly, monthly or seasonal basis, with license fees of \$50, \$75 and \$150 respectively. The market operator/applicant may include sellers, growers, transient merchants and cabaret performers within the blanket license application, or may elect to have participating vendors who currently require these types of City licenses to separately obtain them. Generally, the proposed fees associated with the "blanket" farmer's market license application will be significantly less than the fees that would currently be required for separate, participating vendor licenses.

The proposed ordinance creating Chapter 3.94 of the Code of the City of Wichita has been reviewed and approved as to form by the Law Department.

Vice-Mayor Gray

Vice Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--

-- carried

Vice-Mayor moved that the ordinance creating Chapter 3.94 of the Code of the City of Wichita, pertaining to licensing of outdoor farmer's markets be placed on first reading. Motion carried 6 to 0.

## ORDINANCE

An Ordinance creating new Chapter 3.94 of the Code of the City of Wichita, Kansas, pertaining to organized farmer's markets, and the temporary or intermittent sales of certain agricultural products, produce and merchandise at such farmer's markets within the City, introduced and under the rules laid over.

## CONDEMNATIONS

### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICT I)

Kurt Schroeder

Office of Central Inspection Superintendent reviewed the Item.

Agenda Report No. 06-0490

On March 21, 2006 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on May 9, 2006.

On March 6, 2006, the Board of Code Standards and Appeals (BCSA) held a hearing on seven properties. Since that time, one (1) property has been repaired; the remaining six (6) properties are listed below:

<u>Property Address</u>	<u>Council District</u>
a. 525 North Mathewson	I
b. 1413 East 9th Street	I
c. 1132 North Grove	I
d. 1322 North Chautauqua	I
e. 1216 North Dellrose	I
f. 2920 East Stadium	I

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Pursuant to State Statute, the Resolutions were duly published twice on March 23, 2006, and March 30, 2006. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owner of these findings.

Kurt Schroeder

Office of Central Inspection Superintendent stated that at the March 6th hearing, there were seven (7) properties being considered unsafe structures. However one of the properties had been repaired very nicely since the March 6<sup>th</sup> hearing, making actually six on the Agenda today. Further, as of yesterday, Item 25c – 1132 North Grove has been repaired and looks very nice and we're removing it from consideration today. There has been some new ownership involved in several of these cases and those people are here to speak today and ask for some additional time to repair. Item 25a – 525 North Mathewson, has a new owner, and they are here and would like to request additional time. Item 25b – 1413 East Ninth has a recent new owner and they'd like time to repair; and Item 25e – 1216 North Dellrose, has a possible new owner, and they'd like some time to repair the property. Mr. Schroeder recommends that board recommended action can be taken on Items 25d - 1322 North Chautauqua and 25f – 2920 East Stadium, to proceed with condemnation and removal of those structures and that a hearing be conducted for the others.

Vice-Mayor Gray

Vice Mayor Gray inquired whether anyone wished to be heard on 1322 North Chautauqua or 2920 East Stadium, and no one came forward.

Motion --

Vice-Mayor Gray closed the public hearing and moved to adopt the resolutions on Items 25d – 1322 North Chautauqua and 25f – 2920 East Stadium, declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of May 9, 2006; (2) the structures have been secured as of May 9, 2006 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of May 9, 2006 and will be so maintained during renovation. Motion carried 6 to 0.

-- carried

## RESOLUTION NO. 06-219

A Resolution finding that the structure/s legally described as Lots 30 and 32, on Mt. Olive, now Chautauqua Avenue, Fairmount Park Addition to Wichita, Sedgwick County, Kansas, known as 1322 Chautauqua, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Vice Member Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton.

## RESOLUTION NO. 06-221

A Resolution finding that the structure/s legally described as Lot 33, Block 13, Shadybrook Addition to Wichita, Sedgwick County, Kansas, known as 2920 East Stadium is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Vice Member Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton.

### Item 25a – 525 North Mathewson

Kurt Schroeder

Office of Central Inspection Superintendent, stated there has been a case on this for a little over two years and formal condemnation was initiated in February of 2006. The new owner, the McAdams Neighborhood Association, took control of this property between the time we initiated formal condemnation and got to this point. Their representatives are here to ask for additional time to repair the property. The taxes are current, however there are some pending special assessments we had to do in terms of property cleanup over the past couple of years and some board-ups, owed in the amount of nearly \$1,000. As of last check those have not been paid. Yesterday, there were two or three broken

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windows. The property had been cleaned up, but the grass is getting high again, and he talked about that with them this morning and they plan to cut the grass and fix the windows as soon as possible.

Paula Gibbons

Mrs. Gibbons, representing the McAdams Neighborhood Association, stated they need 90 to 120 days for outside repair and that she believes all back taxes have been paid, but may not have been filed yet. Stated they have boarded up some of the windows and secured the doors with locks and are making progress.

Motion --

Brewer moved to adopt the resolution on Items 25a - 525 North Mathewson, declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing two weeks for clean-up and 120 days for repair. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of May 9, 2006; (2) the structures have been secured as of May 9, 2006 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of May 9, 2006 and will be so maintained during renovation. Motion carried 6 to 0.

-- carried

## RESOLUTION NO. 06-217

A Resolution finding that the structure/s legally described as Lots 44 and 45, Shirk's Addition to Wichita, Sedgwick County, Kansas, known as 525 North Mathewson, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton.

### Item 25b - 1413 East 9th Street

Kurt Schroeder

Office of Central Inspection Superintendent stated we have been working a case on this for several years and it has been boarded up a couple of times and have done some cleanups there. There is also a new owner, David Flores, that just recently purchased the property and has been paying some of the back taxes that were owed, but still has about two years back taxes and some special assessments for lot clean-ups that had to be done over the last couple of years, believed to be around \$1,000 at this point. Mr. Flores has indicated he needs 60 days to make the exterior repairs, per policy, and believes he can get all that done. He's asking for an exception to the policy in terms of paying the taxes. He would like to pay the 2004 taxes and then the 2005 taxes to get it up to date over 30-to 45 days or so. Mr. Schroeder stated yesterday when he was out there, the premise is secured and is in pretty good shape, although there are some tall weeds and grass in the rear, but not much.

David Flores

David Flores, new owner, through an interpreter, stated that he has been paying back taxes and specials which total around \$1,000, and that he needs 60 days to fix exterior conditions and would like more time to pay back taxes. States that he has already paid three years amounting to \$1,000 or more. Also that the premise is secured and in good shape.

Motion --

Brewer moved to adopt the resolution on Item 25b - 1413 East 9<sup>th</sup> Street, declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 60 days for repair and to allow three weeks to pay 2004 taxes and two more weeks to pay 2005 taxes. Any extensions of time granted to repair the structures would be contingent on the following: (1) the structures have been secured as of May 9, 2006 and will continue to be kept secured; and (2) the premises are mowed and free of debris as of May 9, 2006 and will be so maintained during renovation. Motion carried 6 to 0.

-- carried

## RESOLUTION NO. 06-218

A Resolution finding that the structure/s legally described as lots 17 and 18, on Frisco, now 9<sup>th</sup> Street, Tilford's Second Addition to Wichita, Sedgwick County, Kansas, known as 1413 East 9<sup>th</sup> Street, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton.

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## Item 25e - 1216 North Dellrose

Kurt Schroeder      Office of Central Inspection stated that we have been working this case since September 2004. Due to a fire in the property at that time, issued a number of violation notices and no repairs were completed. There are four years delinquent taxes and some specials that are owed for cleanups of nearly \$3,800. Yesterday, the rear of the property was wide open and there were some weeds and debris in the back and an abandoned vehicle in the back yard as well. The owner showed up with a potential buyer this morning and he believes they have been talking. The potential buyer was not aware of these back taxes and assessments that are owed; apparently they have agreed to work that out with the new owner paying most of those taxes. The new owner is looking for about 90 days to complete the repairs.

Marcelle Baker      Mr. Baker, owner, stated he has a potential buyer and needs two or three days to switch title.

Kenneth Porter      Mr. Porter, potential buyer, came forward and stated that he plans to reside in the house; also that he needs 90 days to make repairs on the outside.

Council Member Brewer      Council Member Brewer asked Mr. Porter about the back taxes and cleanup of approximately \$4,638.98.

Kenneth Porter      Mr. Porter stated he needs 45 days.

Motion --      Brewer moved to adopt the resolution on Item 25e - 1216 North Dellrose, declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 90 days to complete the loan and one week to get the property boarded up and allowing until May 19, 2006, to pay 2002-2003 back taxes, and an additional two weeks to pay 2004-2005 taxes. Any extensions of time granted to repair the structures would be contingent on the following: (1) the structures have been secured as of May 9, 2006 and will continue to be kept secured; and (2) the premises are mowed and free of debris as of May 9, 2006 and will be so maintained during renovation. Motion carried 6 to 0.

-- carried

## RESOLUTION NO. 06-220

A Resolution finding that the structure/s legally described as Lots 31 and 32, Block 8, Country Club Heights, Wichita, Sedgwick County, Kansas, known as 1216 North Dellrose, is unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton.

## COMM EVENTS

### **ORDINANCE SECTION 1. SECTION 3.10.010, CREATED TO ESTABLISH A PROCESS FOR PERMITTING COMMUNITY EVENTS.**

Agenda Report No. 06-0491

Currently, the City of Wichita has no ordinances regulating the use of public or private property for large-scale community events. Staff was directed to review current procedures and develop ordinances and procedures, which would simplify the approval process for community events. .

Currently, the application and review process used is dependent upon the public property requested for use.

The approval process has been effective but continues to present challenges for both applicant and staff due to a variety of issues associated with frequency, uniqueness and time constraints of request. Throughout the review process, the committee works with the applicant to enforce code requirements, resolve issues and identify options as needed.

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A new ordinance for Community Events is proposed to simplify the application process for citizens. In addition to creating one point for submitting applications, it will also directly address issues for code compliance, safety and consideration for residents with respect to property access, noise and lighting for surrounding neighborhoods. The proposed process and application has been presented to the District Advisory Boards as well as to the event stakeholders for comments, suggestions, and considerations. The ordinance will be effective January 1, 2007.

In addition to the creation of the proposed new ordinance for Community Events, the following revisions to existing City codes are recommended:

1. Noise: Section 7.41.030 and creating 7.41.042 and 7.41.045 and 7.42.043
  - Created to address sound associated with events, typically amplified music.
2. Conduct in the park: Sections 9.04.030, 9.04.040, 9.04.080, 9.04.190 regarding community events in city parks.
  - Created and amended sections associated with approval of community events, parades, and sound.
3. Obstructing streets and sidewalks: Section 10.04.130
  - Amended to allow obstructions associated with approved community events.

No fee is currently associated with a Community Event application. A fee schedule, set forth by the city manager, with approval by the council is included in the proposed ordinance. The schedule of fees will be brought back to City Council.

The ordinances have been prepared and reviewed by the Law Department and have been approved as to form.

Vice-Mayor Gray

Vice Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--  
-- carried

Vice Mayor Gray moved that the ordinance be placed on first reading and the necessary signatures authorized. Motion carried 6 to 0.

## ORDINANCE

An Ordinance creating Chapter 3.10 of the Code of the City of Wichita, Kansas, pertaining to community events, introduced and under the rules laid over.

## COMM EVENTS

### **ORDINANCE AMENDMENTS TO SECTIONS 9.04.030, 9.04.040, 9.04.080, 9.04.190, REGARDING COMMUNITY EVENTS IN CITY PARKS.**

John D'Angelo

Director of City Arts reviewed the Item.

Agenda Report No.06-0492

Currently, the City of Wichita has no ordinances regulating the use of public or private property for large-scale community events. Staff was directed to review current procedures and develop ordinances and procedures, which would simplify the approval process for community events. .

Currently, the application and review process used is dependent upon the public property requested for use.

The approval process has been effective but continues to present challenges for both applicant and staff due to a variety of issues associated with frequency, uniqueness and time constraints of request.



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Throughout the review process, the committee works with the applicant to enforce code requirements, resolve issues and identify options as needed.

In addition to the creation of the proposed new ordinance for Community Events, the following revisions to existing City codes are recommended:

Conduct in the park: Sections 9.04.030, 9.04.040, 9.04.080, 9.04.190 regarding community events in city parks.

Created and amended sections associated with approval of community events, parades, and sound.

No fee is currently associated with the conduct in the park ordinance.

The ordinances have been prepared and reviewed by the Law Department and have been approved as to form.

Vice-Mayor Gray

Vice Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--  
-- carried

Vice Mayor Gray moved that the ordinance be placed on first reading and the necessary signatures authorized. Motion carried 6 to 0.

## ORDINANCE

An Ordinance amending Sections 9.04.030, 9.04.040, 9.04.080, 9.04.180 and 9.04.190 of the Code of the City of Wichita, Kansas, pertaining to conduct in parks and repealing the originals of 9.04.030, 9.04.040, 9.04.080, 9.04.180, and 9.04.190, introduced and under the rules laid over.

## COMM EVENTS

### **ORDINANCE AMENDMENTS TO SECTIONS 10.04.130, REGARDING STREET USAGE TO ALLOW OBSTRUCTIONS ASSOCIATED WITH APPROVED COMMUNITY EVENTS.**

John D'Angelo

Director of City Arts Review the Item.

Agenda Report No. 06-0493

Currently, the City of Wichita has no ordinances regulating the use of public or private property for large-scale community events. Staff was directed to review current procedures and develop ordinances and procedures, which would simplify the approval process for community events. .

Currently, the application and review process used is dependent upon the public property requested for use.

The approval process has been effective but continues to present challenges for both applicant and staff due to a variety of issues associated with frequency, uniqueness and time constraints of request. Throughout the review process, the committee works with the applicant to enforce code requirements, resolve issues and identify options as needed.

In addition to the creation of the proposed new ordinance for Community Events, the following revisions to existing City codes are recommended:

Obstructing streets and sidewalks: Section 10.04.130

Amended to allow obstructions associated with approved community events.

No fee is currently associated with the obstruction of streets and sidewalks ordinance.

The ordinances have been prepared and reviewed by the Law Department and have been approved as to form.

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Vice-Mayor Gray

Vice Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--  
-- carried

Vice Mayor Gray moved that the ordinance be placed on first reading and the necessary signatures authorized. Motion carried 6 to 0.

## ORDINANCE

An Ordinance amending Section 10.04.130 of the Code of the City of Wichita, Kansas, pertaining to obstructing streets and sidewalks and repealing the originals of said section, introduced and under the rules laid over.

## NOISE

### **ORDINANCE AMENDMENTS TO SECTIONS 7.41.030 AND CREATING 7.41.042, 7.41.045 AND 7.42.043, RELATING TO NOISE AND AUTHORIZATION TO UTILIZE SOUND AMPLIFICATION EQUIPMENT.**

John D'Angelo

Director of City Arts Review the Item.

Agenda Report No. 06-0494

Currently, the City of Wichita has no ordinances regulating the use of public or private property for large-scale community events. Staff was directed to review current procedures and develop ordinances and procedures, which would simplify the approval process for community events. .

Currently, the application and review process used is dependent upon the public property requested for use.

The approval process has been effective but continues to present challenges for both applicant and staff due to a variety of issues associated with frequency, uniqueness and time constraints of request. Throughout the review process, the committee works with the applicant to enforce code requirements, resolve issues and identify options as needed.

In addition to the creation of the proposed new ordinance for Community Events, the following revisions to existing City codes are recommended:

1. Noise: Section 7.41.030 and creating 7.41.042 and 7.41.045 and 7.42.043  
· Created to address sound associated with events, typically amplified music.

No fee is currently associated with the noise ordinance.

The ordinance has been prepared and reviewed by the Law Department and has been approved as to form.

Vice-Mayor Gray

Vice Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--  
-- carried

Vice Mayor Gray moved that the ordinance be placed on first reading and the necessary signatures authorized. Motion carried 6 to 0.

## ORDINANCE

An Ordinance amending Section 7.41.030, creating Sections 7.41.042, 7.41.043 and 7.41.045, of the Code of the City of Wichita, Kansas, pertaining to noise, and repealing the original of Section 7.41.030, introduced and under the rules laid over.

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## ACTION PLAN

### HUD 2006/2007 ONE-YEAR ACTION PLAN. (DISTRICTS I, III, IV, VI)

Mary K. Vaughn

Director of Housing and Community Services reviewed the Item.

Agenda Report No. 06-0495

The U.S. Department of Housing and Urban Development (HUD) requires submission of a One-Year Action Plan for the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME) and the Emergency Shelter Grant (ESG) programs. On April 4, 2006, the City Council approved the draft 2006/2007 One Year Action Plan as an amendment to the 2004/2008 Consolidated Plan and authorized the thirty-day public comment period to begin.

The City's 2006/2007 One Year Action Plan lists the federal resources available from various grant assistance programs to address priority needs identified in the Consolidated Plan. A description of the activities funded, the geographic location of the activities, and other special needs and activities to be undertaken during the fiscal year are included in the action plan. The 2006/2007 One Year Action Plan covers the period beginning July 1, 2006 and ending June 30, 2007.

The 2006/2007 One Year Action Plan reflects City Council allocations for all 2006/2007 CDBG, HOME and ESG program funds, totaling \$5,528,249. All funds have been committed to approve projects.

No comments were received during the thirty-day public comment period. The City has met all federal requirements to submit the final 2006/2007 One Year Action Plan to HUD.

Motion--

Vice Mayor Gray moved that the public comment period be closed; the 2006/2007 One Year Action Plan approved and the necessary signatures and submission of the plan to HUD authorized. Motion carried 6 to 0.

-- carried

## **GILBERT & MOSLEY GILBERT AND MOSLEY TIF EXTENSION ORDINANCE-PUBLIC HEARING.**

Kay Johnson

Director of Environmental Services reviewed the Item.

Agenda Report No. 06-0496

The City approved a Settlement Agreement with the Kansas Department of Health and Environment (KDHE) on March 26, 1991, under which the City undertook responsibility for the investigation and clean-up of the Gilbert & Mosley Site. The City established a tax increment-financing (TIF) district to guarantee funding for the Gilbert & Mosley Redevelopment Project. During the Project, funding has been received from the City's General Fund, contributions from polluters (litigation, arbitration, and settlement), and from a portion of the 20% TIF decrement. Pending capital projects require bonding that will extend beyond the current term of the Project. The TIF funding source will expire in 2011 unless extended. In 2004, the Legislature approved an amendment allowing for a 10-year extension of an environmental TIF, with County and USD approval. On March 7, 2006, the City Council adopted a Resolution setting this date for public hearing on an extension of the TIF district

The Resolution adopted on March 7, proposed to extend the Gilbert & Mosley TIF Project for a maximum of 10 years, set the hearing date, and requested approval of the extension by the County Commission and USD 259 School Board. The County and School District have not had an opportunity to review the proposals yet. The proposed ordinance will meet the statutory requirements to extend the district expiration date.

The City has collected less than half of the 20% tax decrement authorized in the TIF district to date. The Project has additional projected capital expenditures of over \$7 million. The term of the bond payments would exceed the current TIF life. Extension of the TIF will allow revenue for bond payments and operating and maintenance expenses until 2021. These revenue requirements will not use the full 20% decrement for that period, however.

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The Resolution set forth the statutory requirements for notice of a hearing. The ordinance has been reviewed and is approved as to form.

Vice-Mayor Gray

Vice Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--

Vice-Mayor Gray moved that the public hearing be closed; the ordinance placed on first reading with second reading of the ordinance being withheld until approval is received from the County and School District. Motion carried 6 to 0.

-- carried

## ORDINANCE

An Ordinance of the City of Wichita extending the completion date of the Redevelopment Project for the Gilbert and Mosely Redevelopment District as adopted in City of Wichita Ordinance no. 41-446 and 41-461, introduced and under the rules laid over.

## PLANNING AGENDA

ZON2006-13

**ZON2006-13; CON2006-07-AMENDMENT TO PROTECTIVE OVERLAY #136 TO REMOVE "CAR WASH" FROM A LIST OF PROHIBITED USES, AND APPROVAL OF A CAR WASH, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF CENTRAL AND ELLSON. (DISTRICT II)**

John Schlegel

Director of Planning reviewed the Item.

Agenda Report No. 06-0497

MAPC Recommendations: Approve, without access onto Ellson Street, (7-2-1).

MAPD Staff Recommendations: Deny.

DAB Recommendations: Deny, (8-0).

On December 14, 2004, the Wichita City Council approved ZON2003-66, which granted "LC" Limited Commercial zoning subject to Protective Overlay #136 on 4.74 acres located at the southwest corner of east Central Avenue and Ellson. The 4.74 acres was platted in 1990 as the New Life Christian Church Addition, followed by a lot split filed in 2003, to create a 1.19-acre "Tract B" on the eastern 135 feet of the 4.74 acres. It is the northern 220 feet of Tract B, which is .68 acre in size that is the subject of this application. The southern approximately 150 feet of "Tract B" is not part of the application and is platted a floodway reserve.

PO #136 included a list of prohibited uses that included a "car wash." The applicant is seeking to amend PO #136 to delete "car wash" as a prohibited use and to obtain approval of a Conditional Use to permit a "car wash" in the "LC" zoned application area. The proposed car wash is to set on the northern 220 feet of the application area. The site plan submitted by the applicant indicates the eight-bay car wash would be located north to south, with access off of Central Avenue and Ellson Street. Two of the bays would contain automatic washers with dryers. Queuing is to be east to west. The vacuum islands are to be located along Ellson Street with 12 parking stalls. None of the wash bays are proposed to be located within the platted 30-foot setback. However, the 12 drying stalls and the vacuum islands located along Ellson are located within a platted setback. (It is Planning staff's understanding that drying stalls are considered by the Office of Central Inspection to be structures and cannot be located within a platted building setback. To develop the site as shown, the platted setback would need to be vacated.) A five-foot landscape strip is to be located along Ellson, along Central Avenue and along the west property line.

Property to the west is developed as a church and zoned "LC" Limited Commercial; to the north is a mix of "LC" and "SF-5" Single-family Residential zoning that is developing retail and residential reserve areas; to the east is "SF-5" zoning developed as residences; and to the south is "LC" and "TF-3" Two-family Residential zoning that is developed with residences.

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District Advisory Board II reviewed this request on April 3, 2006 and recommended denial (8-0). DAB members expressed concern with potential negative effects the car wash could have on nearby residences. The Metropolitan Area Planning Commission (MAPC) reviewed this request on April 6, 2006 and recommended approval (7-2-1), subject to conditions. A letter of opposition from the Ellson Court Homeowners Association has been received. This Homeowners Association was concerned about increased traffic, reduction in property values and potential environmental impacts from soap and chemical runoff from fugitive wash and rinse waters. Protests do not exceed 20 percent. Among the conditions of approval are: the project is not to have access to Ellson; the church and the car wash shall share a Central Avenue access point and landscaping per code shall be installed. In addition to the conditions of approval recommended at the April 6, 2006 MAPC meeting, the existing conditions not modified by the MAPCs recent action contained in Protective Overlay #166 shall continue to be effective.

Council Member Schlapp Council Member Schlapp stated that we've had a lot of discussion on this and that she'd talked to the applicant, and she had told the applicant that she might consider sending it back the DAB, but in reviewing what the DAB had said and discussion with one of the DAB members, that the approval from the MAPC and the things they changed really had little to do with what the DAB was denying it for. Also for all the reasons listed by Staff.

Motion-- carried Schlapp moved that the request be denied. Motion carried 6 to 0.

**ZON2006-000010 ZON2006-00010-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "TF-3" TWO-FAMILY RESIDENTIAL. GENERALLY LOCATED NORTHWEST OF HOOVER ROAD AND 8TH STREET NORTH. (DISTRICT VI)**

John Schlegel Director of Planning reviewed the Item.

Agenda Report No. 06-0498

MAPC Recommendations: Approve, (10-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve, (8-2).

The application area is a vacant unplatted lot, located west of Hoover Rd. and north of 8th Street North, along the east side of I-235. The 1.13-acre site is zoned "SF-5" Single-family Residential, and the applicant requests "TF-3" zoning to allow for duplex development.

Property north, south and east of the site is zoned "SF-5" Single-family Residential and developed with single-family residences or vacant. West of the site is I-235, with multi-family zoning and uses west of the freeway. Several "TF-3" Two-family residential properties are in the general neighborhood, including five duplexes approximately 800 feet south of the application area on Hoover. An "LI" Limited Industrial zoned manufacturing facility exists approximately 500 feet north of the site on Hoover Rd. This portion of Hoover Rd. is a paved, local street; the site has easy access to both Central and I-235.

DAB VI heard this request on April 3, 2006 and no citizens spoke in opposition to the zone change request. DAB VI members had questions regarding parking and nearby duplex developments. The DAB recommended approval of the request by a vote of 8-2. MAPC heard this request on April 6, 2006 and no citizens spoke in opposition to the zone change request. The action of the MAPC was to approve 10-0. Several surrounding residential property owners filed protest petitions, amounting to 76 percent of the protest area, requiring a governing body  $\frac{3}{4}$  majority override to approve the zone change request.

The resolution has been reviewed and approved as to form by the Law Department.

Motion-- Fearey moved that the zoning change request be denied based on the fact that it is an area zoned "Single Family/Residential," and the site can be developed with single-family uses and with concerns in that area being the tipping point where there becomes too much rental in a residential area

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Vice-Mayor Gray Vice-Mayor Gray stated he was going to vote against the motion because his District is on the other side of Central, and he's watched duplexes come in on these large parcels of lots and he hasn't seen many houses going in, and at least there is new construction.

carried 5 to 1, (Vice-Member Gray, no).

**DR2005-18**

## **DR2005-18: SOUTH CENTRAL NEIGHBORHOOD PLAN. (DISTRICTS I AND III)**

John Schlegel Director of Planning reviewed the Item.

Agenda Report No.06-0499

The South Central Neighborhood is bound by Kellogg on the north, the Arkansas River on the south and west, and Washington and the railroad tracks, from Pawnee to the Arkansas River, on the east. In 1995, a plan for the South Central Neighborhood entitled A Revitalization Plan for the South Central District was prepared but was never formally adopted.

Although the 1995 Plan was never formally adopted, leaders in the South Central Neighborhood remain committed to many of the strategies contained in the plan. Community leaders of the South Central Improvement Alliance and the South Central Progressive Neighborhood Association worked with City staff in 2000, and their work resulted in the collection of significant data, which community leaders used to develop updated strategies.

In 2005, community leaders presented these recommendations to the City and requested that the 1995 Plan be revisited and updated. As a result, on September 13, 2005, the City Council directed staff to update the 1995 Plan and authorized the City Manager to appoint a steering committee to guide the plan update.

Nine Steering Committee meetings and four neighborhood association meetings were held to review and update the Plan. The South Central Neighborhood Steering Committee feels that they have developed a plan that has broad-based neighborhood support, support from the neighborhood associations, and support from City officials.

The South Central Neighborhood Plan presented to the City Council outlines formal policy, which is proposed to be adopted as an amendment to The Wichita-Sedgwick County Comprehensive Plan, in order to guide long-term redevelopment and revitalization efforts in the South Central Neighborhood. The Plan was reviewed and unanimously endorsed by the District Advisory Board for District III on March 1, 2006, by the District Advisory Board for District I on March 6, 2006, and by the Metropolitan Area Planning Commission on April 20, 2006.

The South Central Neighborhood Plan outlines the community's vision of what the South Central Neighborhood will be like in 2030. This vision is based upon an assessment of the neighborhood's top issues and the changes desired to address those issues. The following goals are identified to accomplish this vision:

1. Strengthen citizen involvement
2. Improve the visual appearance of the neighborhood
3. Improve neighborhood safety
4. Improve neighborhood infrastructure
5. Promote the unique character and historical significance of the neighborhood
6. Increase homeownership
7. Improve existing housing stock
8. Preserve the character of residential areas
9. Promote economic opportunities
10. Reduce the negative impact of incompatible businesses
11. Increase education and employment opportunities for residents
12. Increase recreational opportunities

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13. Promote the river as a community destination
14. Increase use of existing neighborhood facilities

A total of 36 implementation initiatives are identified in the Plan. The implementation initiatives detail the specific objectives and strategies to achieve the Plan's goals. Key initiatives that are important to the overall success of the neighborhood are identified. Each initiative is identified as short-term, mid-term and long-term, which estimates when the initiative should be started. Each initiative is assigned a lead organization that will be responsible for coordinating and ensuring its implementation.

Alternatives: Two alternatives are available to the City Council now that the MAPC has adopted the South Central Neighborhood Plan as an amendment to The Wichita-Sedgwick County Comprehensive Plan:

- a) Approve first reading of the Ordinance adopting the South Central Neighborhood Plan as an amendment to the Comprehensive Plan;
- b) Others actions deemed appropriate by the City Council.

Adopting the South Central Neighborhood Plan involves no commitment of funding; however, the Plan identifies improvements needed in the neighborhood (e.g., lighting, sidewalks, parks, code enforcement, etc.) that, if implemented, could total millions of dollars in expenditures. These improvements could potentially be funded from several sources, including federal grants and City funds. Funding decisions associated with each implementation initiative will receive separate approval, and the decision will be based, in part, on a detailed cost-benefit analysis.

The MAPC, in accordance with Kansas state statutes, held a public hearing for the proposed South Central Neighborhood Plan on April 20, 2006, with the required notice of public hearing published in the official City newspaper on March 30, 2006. The MAPC approved a resolution adopting the Plan as an amendment to The Wichita-Sedgwick County Comprehensive Plan. The adopting Ordinance has been reviewed and approved as to form.

Motion--

Skelton moved that the South Central Neighborhood Plan as an amendment to The Wichita-Sedgwick County Comprehensive Plan be adopted; and the Ordinance be placed on first reading. Motion carried 6 to 0

-- carried

## ORDINANCE

An Ordinance adopting the South Central Neighborhood Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, introduced and under the rules laid over.

Council Member Skelton temporarily absent.

**ZON2006-00009**

**ZON2006-00009-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL. GENERALLY LOCATED APPROXIMATELY 900 FEET SOUTH OF CENTRAL ON THE WEST SIDE OF TYLER RD. (DISTRICT V)**

Agenda Report No. 06-0500

MAPC Recommendations: Approve, subject to staff recommendations (10-0).

MAPD Staff Recommendations: Approve, subject to platting within one year.

DAB Recommendations: Not applicable.

The applicant requests a zone change from "SF-5" Single-family to "LC" Limited Commercial on a 0.41-acre unplatted tract located approximately 900 feet south of Central on the west side of Tyler Rd. The subject property is currently developed with a single-family residence. The applicant proposes to convert the home to a small retail shop.

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The surrounding area is characterized by commercial and multi-family residential uses with two single-family residences (including the subject property) remaining in the area. With the exception of these single-family residences (which are zoned "SF-5" Single-family), all of the property surrounding the site is zoned "LC" Limited Commercial. However, the residential lot to the north was approved for a rezone to "LC" Limited Commercial on October 19, 2000, subject to platting in one year. There has been a series of plat extensions granted with a current deadline of May 14, 2007. The property immediately west of the site is developed with apartments. The properties north of the site are developed with vehicle repair, retail, restaurant and bank uses. The properties east of the site across Tyler Rd. are developed with restaurant, self-storage warehouse, retail, bank, office and car wash uses. The properties south of the site are developed with multi-family and retail uses.

There were no speakers in opposition to the request at the MAPC meeting on April 6, 2006. The MAPC voted unanimously to recommend approval of the zone change from "SF-5" Single-family to "LC" Limited Commercial, subject to platting within one year.

The Ordinance has been reviewed and approved as to form by the Law Department.

Motion--  
-- carried

Vice-Mayor Gray moved to adopt the findings of the MAPC and approve the zone change, subject to the recommended condition, and to place the Ordinance on first reading. Motion carried 5 to 0 (Skelton, absent).

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. (ZON2006-00009)

CUP200Z6-07

**CUP2006-07 ASSOCIATED WITH (ZON2006-08) CREATION OF DP296 FABER COMMUNITY UNIT PLAN; ZONE CHANGE TO "LC" LIMITED COMMERCIAL AND "GO" GENERAL OFFICE. GENERALLY LOCATED AT THE NORTHEAST CORNER OF 29TH STREET NORTH AND 119TH STREET WEST. (DISTRICT V)**

Agenda Report No. 06-0501

MAPC Recommendations: Approve, subject to staff conditions as modified by DAB recommendation, vote (10-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: The District V Advisory Board voted (8-0) to recommend approval of the request with the 35-foot setback and cross lot circulation for all parcels.

The applicant proposes to create a commercial Community Unit Plan containing approximately 16.87± gross acres and 13.9± net acres with seven parcels located on the northeast corner of 29th Street North and 119th Street West.

Parcels 1-5 would be zoned "LC" Limited Commercial. Parcel 1, the largest parcel with 3.87 acres, would have access drives to 29th Street North and 119th Street West. Parcels 2, 3, 4 and 5 range in size from 1.14 acres to 1.58 acres and would front onto the arterial streets. Prohibited uses for Parcels 1-5 would be: adult entertainment establishment, group residential, correctional placement residence, multi-family residential uses, hotels and motels, wireless communication facilities, recycling stations, animal care facilities, private clubs, taverns and drinking establishments, nightclubs, or sexually oriented businesses. In addition, no overhead doors or truck docks would be allowed within 200 feet of residential zoning or facing residential zoning. Parcels 1 and 2, the parcels that are closest to the residential uses to the north and east, also would prohibit convenience stores, service stations, car washes, or drive-in or drive-through restaurants.



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Parcels 6 and 7 are 2.32 acres in size each and would be zoned GO General Office. The parcels are located along 29th Street North and would allow those uses permitted in the GO district.

Setbacks are shown as 35 feet along the arterial streets and exterior property boundaries. Internal building setbacks are 15 feet, but would not be required if parcels are developed under the same ownership. An eight-foot masonry wall is shown along the north and east property lines within a five-foot wall easement. Maximum building height is 35 feet. Maximum building coverage and maximum gross floor area is requested at 30 percent. A maximum of three buildings are requested for Parcels 1, 6 and 7, and one building for Parcels 2-5.

Each parcel would be allowed monument-type signs with a maximum height of 20 feet for Parcels 1-5, reduced to 12 feet for the northern 50' of Parcel 2 and all of Parcels 6 and 7. Maximum sign area for Parcel 1 would be 200 square feet for each street frontage, and 0.8 times linear arterial street frontage for Parcels 2-5 (200 square feet maximum). Parcel 6-7 would be 0.5 times linear street frontage (75 square feet maximum), with all ground signs spaced 150 feet apart. The proposed signage would exceed the amounts allowable under the City of Wichita Sign Code. Portable and off-site signs and signs with flashing or moving lights are prohibited. Window displays would be limited to 25% of window area on Parcels 1-5 and prohibited on Parcel 6-7; signs on the rear of buildings would be prohibited.

Buildings would have uniform architectural compatibility of character, color, texture and materials, and would use earth-tone colors predominately; exterior walls facing residential would not be metal siding. Parking lots would have similar or consistent lighting elements, limited to 24 feet in height except that within 50 feet of residential zoning, lighting would be reduced to 14 feet. The parcels would share a similar landscape palette. A site plan would be required to assure internal cross lot circulation, joint access and smooth traffic flow. A pedestrian connectivity would be provided with arterial sidewalks and between buildings onsite.

The property to the north and east is being developed as a single-family subdivision, The Fontana Addition. The property to the south is approved for a 12-acre community unit plan, DP-235, Westridge CUP zoned LC and NR Neighborhood Retail and is undeveloped. The property to the east of the CUP is zoned SF-5 Single-family Residential and owned by the Catholic Diocese; it could be developed with institutional uses. The property to the northwest is owned by the City of Maize for park and utility uses. The property to the southwest is zoned SF-20 Single-family Residential and is in agricultural use.

At the District V Advisory Board meeting held April 4, 2006, the board voted (8-0) to approve subject to staff recommendations with a 35-foot building setback on the north and east property lines and cross lot circulation for all parcels. Staff recommendation was for a 50-foot setback on the portion of the CUP directly abutting the lots platted for single-family use. The agent requested it be reduced to 35 feet (which meets CUP minimum standards) since the developer of the single-family area and the commercial development had worked together to design the CUP and no residences are constructed on the lots at this time. DAB requested an additional provision to require cross-lot circulation among the parcels. No citizens were present to speak on the proposal.

At the MAPC meeting held April 6, 2006, MAPC voted (10-0) to approve subject to staff recommendation as modified by the recommendations of the District V Advisory Board. No citizens were present to speak on the proposal. No protests have been received.

The recommendation is that the application be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2006-08) to LC Limited Commercial and GO General Office subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-296), subject to the following conditions:
  1. The applicant shall guarantee an eastbound left turn center lane and a westbound right-turn decel lane to the full movement opening on 29th Street North at time of platting.

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2. Change General Provision 6A: Parcel 1 and Parcels 2-5 maximum size of 150 square feet. Parcel 6-7 (Maximum size as permitted in GO district by City of Wichita Sign Code).
3. Change General Provision 17 as follows: (1) edit Section III-D.6.0 to read Section III-D.6, (2) remove the restriction on group homes, and (3) add a restriction to prohibit safety service, pawn shops and storage, outdoor.
4. Cross-lot circulation shall be required between all parcels.
5. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
6. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
7. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
8. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-296) includes special conditions for development on this property.
9. The applicant shall submit 4 revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

-- carried

Vice-Mayor Gray moved to adopt the findings of the MAPC and approve the zone change subject to platting within one year and approve the CUP; and to instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council. Motion carried 5 to 0. (Council Member Skelton absent)

**A06-09R**

**A06-09R-REQUEST BY DENNIS SCHOENEBECK, OF THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF WICHITA, KANSAS, TO ANNEX LAND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION AT 21ST STREET NORTH AND 135TH STREET WEST. (DISTRICT V)**

Agenda Report No. 06-0502

The City has received a request to annex 49.09 acres of land generally located northwest of the intersection at 21st Street North and 135th Street West. The annexation area abuts the City of Wichita to the south. The property owner has developed a YMCA on the subject property.

**Land Use and Zoning:** The proposed annexation consists of approximately 49.09 acres of property currently zoned "SF-20" Single-Family Residential and "LC" Limited Commercial, which upon annexation the "SF-20" Single Family Residential portion of the property will convert to "SF-5" Single Family Residential. Property to the north, east, south and west is zoned "SF-20" Single-Family Residential. Property to the east is developed with 10-12 residential housing units. Property to the north, south and west is primarily agricultural with a few scattered residential units.

**Public Services:** Water and sewer has been petitioned for and installed on the subject property. There is a 24" water line in 21st Street North and 8" water lines within easements on the subject property. There is a 21" sewer line in 135th Street and 8" sewer lines in easements on the subject property.

**Street System:** The subject property borders 21st Street to the south and 135th Street West to the east, both of which are paved, two-lane roads. The 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 have scheduled the majority of 135th Street, between 21st Street North and Harry, to be widened and reconstructed; which lies east of the subject property. The Sedgwick County Capital Improvement Program 2006-2010 does not call for improvements near the proposed annexation site.

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Public Safety: Fire service to this site can be provided by the City of Wichita within nine (9) to ten (10) minute approximate response time from City Station No. 16, located at 1632 North Tyler Street. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: The West Meadows Park, a 1.5-acre park, is located approximately 2 miles to the southeast of the subject property and contains a tennis courts, a basketball court and a children's play area. The Swanson Park, a 93-acre park, is located approximately 3 miles to the southeast of the subject property and contains a nature trail and a parking area. According to the 1996 Parks and Open Space Master Plan, a potential future park site has been proposed to the east of the subject property. In addition, an existing pathway runs along 21st Street North to the south of the property.

School District: The annexation property is part of the Unified School District 267 (Renwick School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$1,138,500 with a total assessed value of \$284,625. Since the YMCA is a non-profit organization, the property is tax exempt.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Vice-Mayor Gray moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 5 to 0. (Council Member Skelton absent)

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over.  
(A06-09)

**A06-12R**

**A06-12R-REQUEST BY ROBERT NOLLER, OF WICHITA UNITED METHODIST DISTRICT UNION, INC., TO ANNEX LAND GENERALLY LOCATED SOUTHWEST OF 135TH STREET WEST AND 21ST STREET NORTH. (DISTRICT V)**

Agenda Report No. 06-0503

The City has received a request to annex 22.38 acres of land generally located southwest of 135th Street West and 21st Street North. The annexation area abuts the City of Wichita to the south. The anticipated development of this property is unknown at this time.

Land Use and Zoning: The proposed annexation consists of approximately 22.38 acres of property currently zoned "SF-20" Single-Family Residential, which upon annexation will convert to "SF-5" Single-Family Residential. Property directly to the north, east and west is zoned "SF-20" Single-Family Residential and is developed with a few single-family houses and outbuildings, but is primarily agricultural in nature. Property to the south of the subject property was recently annexed on February 16, 2006, and is zoned as "SF-5" Single-Family Residential. Property to the south is also agricultural in nature at this time, but the property owner anticipates that 244 single-family residential units will be developed within the next five years. The property to the northeast of the subject property is zoned "LC" Limited Commercial, but is agricultural in nature at this time.

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**Public Services:** There is an existing 24" water line across approximately half of the north frontage along 21st Street North from which water service could be extended to the subject property. Sewer service would need to be extended from a 21" line in 135th Street, south of 21st Street, which is planned for construction later this year or depending on elevations and slopes, extended from a future 21" line that is proposed along the Dry Creek Tributary.

**Street System:** The subject property borders 21st Street to the north, which is a paved, two-lane road. The 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 have scheduled the majority of 135th Street, between 21st Street North and Harry, to be widened and reconstructed; which lies east of the subject property. The Sedgwick County Capital Improvement Program 2006-2010 does not call for improvements near the proposed annexation site.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within nine (9) to ten (10) minute approximate response time from City Station No. 16, located at 1632 North Tyler Street. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

The West Meadows Park, a 1.5-acre park, is located approximately 2 miles to the southeast of the subject property and contains a tennis courts, a basketball court and a children's play area. The Swanson Park, a 93-acre park, is located approximately 3 miles to the southeast of the subject property and contains a nature trail and a parking area. According to the 1996 Parks and Open Space Master Plan, a potential future park site has been proposed to the northeast of the subject property. In addition, a pathway has been proposed that would run to the west of the subject property along a waterway that would connect to an existing pathway along 21st Street North. Another pathway has been proposed to the east of the subject property along 135th Street West.

**School District:** The annexation property is part of the Unified School District 267 (Renwick School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$4,790 with a total assessed value of \$1,437. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$45 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the anticipated development of the subject property is unknown.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Vice-Mayor Gray moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 5 to 0. (Council Member Skelton absent).

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A06-09)

Council Member Skelton returned to bench.

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## HOUSING AGENDA

### **DISPOSITION PLAN    DISPOSITION PLAN-1631 EAST 17TH STREET.**

Mary K. Vaughn

Director of Housing and Community Services reviewed the Item.

Agenda Report No. 06-0504

When the Wichita Housing Authority (WHA) Building was constructed at 1631 E. 17th Street in 1969 it was used as the leasing offices and maintenance shop for the operation of 191 scattered site units located in the northeast quadrant of Wichita, known as the KS16P004002 Development. The building was located in the heart of the development and its utility was appropriate for the size and proximity to the Wichita Housing Authority's properties.

In 1979, the WHA constructed the 100 scattered site KS16P004004 Development that was located in south Wichita. Subsequent to that, the WHA added 8 more developments to its rental-housing inventory. The WHA occupied the offices on 17th Street from 1969 through 1983. At that point it was determined that it would be advantageous for the management office to be more centrally located to the overall WHA rental inventory of 575 rental units. After the property was vacated by the WHA, the Family Services Institute (FSI), Inc. began leasing the building from the WHA in 1988, on a triple-net lease basis. Deferred maintenance to the building currently needs to be addressed and in order to make the necessary mechanical improvements; FSI needs to have title to the property to borrow funds to make the repairs.

The City of Wichita Housing Authority is required to obtain authorization from the Department of Housing and Urban Development, to sell a portion of a public housing development. The WHA has completed the disposition application in compliance with requirements of Section 18 of the United States Housing Act of 1937, as amended and 24CFR Part 970.

In particular, 24 CFR 970.9 provides that HUD may authorize the negotiated sale of property at less than fair market value for reasons found to be in the best interests of the WHA or the Federal Government, based on the commensurate public benefits to the community. A professional appraisal was performed on the property at 1631 E. 17th Street and the appraisal value was estimated at \$175,000.

The City of Wichita Housing Authority staff has determined that the sale of the Wichita Housing Authority Building at a negotiated price, which is less than fair market value, is in its best interests due to the positive benefits to the low-income neighborhood and surrounding area such sale will ensure. Therefore, the WHA is negotiating the sale of the Wichita Housing Authority Building to the Family Services Institute (FSI), Inc., in the amount of \$50,000.

FSI is a non-profit organization that seeks to strengthen the community through the development of stronger families. From its current location, FSI provides an array of vital services for at-risk children and families of all backgrounds and racial groups from the immediate community and throughout Sedgwick County as well. It provides after school and weekend workshops for children, counseling and advocacy services for children having trouble in school, and it operates an emergency food pantry. It acts as the conduit to assemble and bring together groups of community residents to work with others on issues affecting the community, and also oversees a youth employment program.

The FSI has a need to keep costs at a minimum to remain accessible to the community. The purchase of the Wichita Housing Authority Building is intended to help secure its position of being centrally located within the service community while placing the FSI in a position to grow and expand. Some costs on a sliding scale will be charged to families who can afford to pay for counseling and advocacy services to help defray associated costs, however the FSI will not seek to make a profit from services.

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The WHA Building has been in excess to the needs of the WHA and the disposition and sale will not interfere with the continued operation of the WHA or the KS16P004002 development. Due to zoning restrictions, size, quality of construction and general location of the building in a residential area, the highest and best use is for the continued use of the building as a community service facility.

Staff is supportive of the Family Services Institute and the services that they provide and believe that the sale of the property to the FSI will prove to be of continued benefit to the community.

The application has been prepared in accordance with 24 CFR Part 970.

Proceeds from the sale of the property will be deposited to the Public Housing Operating Fund to defray the costs related to the administration and maintenance of Public Housing rental units.

Motion--

Inafay Grays-McClellan moved that the Wichita Housing Authority Board review and approve the submission of the Disposition Application to the Department of Housing and Urban Development for the sale of 1631 East 17th Street, adopt the resolution, and authorize the necessary signatures. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. H06-02

A Resolution for the disposition of 1631 East 27<sup>th</sup> Street, Wichita Housing Authority Building. presented. Inafay Grays-McClellan moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and McClellan.

## CAP. FUND GRANT

### REVISION OF THE 2005 CAPITAL FUND PROGRAM GRANT.

Mary K. Vaughn

Director of Housing and Community Services reviewed the Item.

Agenda Report No. 06-0505

Since 1992, the Department of Housing and Urban Development (HUD) has awarded modernization funds to the City of Wichita Housing Authority Public Housing Division, through the Comprehensive Grant Program. Beginning in 2000 the Capital Fund Program (CFP) was initiated for the purposes of updating or rehabilitating rental units and management systems in the Public Housing Division. Housing authorities' share of the national allocation, is determined by a calculation using various characteristics of each housing authority. The 2005 Wichita Capital Fund Program was funded at \$1,028,183.

HUD regulations allow a housing authority to revise its approved annual budget due to construction and administrative cost changes, HUD Notices, disasters, and emergencies outside the control of the housing authority. The revisions currently being proposed are required to provide funds for increased indirect administrative costs charged by the City Finance Department, to the Public Housing Operating Fund. The 2005 Public Housing Operating Fund indirect administration charge was \$109,228. The 2006 Public Housing Operating Fund indirect administration charge was raised to \$166,850, an increase of 53%. The indirect charges are calculated based on an OMB A-87 Cost Allocation Plan conducted in 2004 by Maximus, Inc.

The proposed revision transfers funds from the Capital Fund to the Public Housing Operating Fund, which increases fund account to the maximum amount allowable (\$200,000).

HUD regulations allow for the transfer, which is being proposed.

The additional transfer of funds reduces the amount available for the modernization of Public Housing rental units.

Motion--

Inafay Grays-McClellan moved that the revision of the 2005 Capital Fund Grant Budget be approved. Motion carried 7 to 0.

-- carried

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## ACOP

### ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP).

Agenda Report No. 06-0506

Public housing authorities are required by U.S. Department of Housing and Urban Development (HUD) regulations, to adopt and maintain admission, occupancy and waiting list policies, and to revise them as necessary. The last time that the Wichita Public Housing revised its Admissions & Continued Occupancy Policy (ACOP) was on September 13, 2005.

The Public Housing staff desires to revise the ACOP to incorporate its current administrative Community Service Policy into the ACOP. Several additional amendments are also proposed to add and clarify language to agree with the addition of the Community Service Policy.

Motion--  
-- carried

Inafay Grays-McClellan moved that the revisions to the Admissions and Continued Occupancy Policy for administration of the Public Housing program be reviewed and approved. Motion carried 7 to 0.

## UTILITY ALLOW.

### 2006 UTILITY ALLOWANCES – PUBLIC HOUSING PROGRAM.

Agenda Report No. 06-0507

Housing Authorities are required by the Department of Housing and Urban Development (HUD) to annually review and make appropriate adjustments to the utility allowances provided for tenant furnished utilities. The allowances are subtracted from the tenant's Adjusted Gross Rent to provide the net amount payable to public housing authorities as rent. The allowances are based on actual rates and average consumption estimates, and are calculated for structure type based on the number of bedrooms. The Quality Housing and Work Responsibilities Act of 1998 requires annual review of utility allowances and if there has been a change (increase/decrease) of 10% or more in the bedroom size allowance, the allowance must be revised. HUD PHI Notice 93-40 states that housing authorities that choose to install air-conditioning shall assure that the cost of utilities attributable to air-conditioning, when the use is optional, shall be borne by the residents.

Public Housing retained the South Central Kansas Economic Development District, Inc. (SCKEDD) to complete a utility bill allowance study using REM/Design software. The analysis, using updated natural gas, electric and water rates, prescribes that the allowances should be increased. The air-conditioning in Greenway and McLean Manor is provided by the WHA. The recommended utility allowances for Public Housing rental units beginning July1, 2006 are below.

<u>Bedroom Size</u>	<u>Utility Allowance</u>
<u>Apartments</u>	
One – Rosa Gragg	\$92.00
One – Bernice Hutcherson	91.00
One (Greenway and McLean Manor)	26.00
Two (Greenway and McLean Manor)	21.00
<u>Houses</u>	
Two	134.00
Three	158.00
Four	167.00
Five	235.00
Six	197.00

This is a HUD required action. Approving the utility allowances for 2006 will affect the Housing and Community Services Department's financial position by decreasing rental income.

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Motion--  
-- carried

Inafay Grays-McClellan moved that the 2006 utility allowances for the Public Housing Program be reviewed and approved. Motion carried 7 to 0.

## GRANT APP.

### FAMILY SELF-SUFFICIENCY GRANT APPLICATION.

Agenda Report No. 06-0508

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for continued funding of the Family Self-Sufficiency Program Coordinator positions and Homeownership Coordinator.

HUD requires that Housing Authorities operate a Family Self-Sufficiency (FSS) program in order to receive additional Section 8 vouchers. Though it is a HUD requirement for Housing Authorities, participation by Section 8 voucher holders is voluntary. The advantage to the client is the program provides the opportunity for them to increase their income potential and eventually become independent of public assistance. The Family Self-Sufficiency and Homeownership Coordinators work with program participants to connect them with community resources such as job training, to help them achieve self-sufficiency. Many FSS participants have become homeowners through the Homeownership 80 program and/or the Housing Choice Voucher Homeownership program as a result of their participation.

HUD requires the Family Self-Sufficiency program.

The amount of the application is \$172,282, which covers the salary and fringe benefits of one Homeownership Coordinator and two Family Self-Sufficiency program coordinators, all of whom are currently employed.

Motion--  
--carried

Inafay Grays-McClellan moved that the application and grant award upon receipt be approved and the necessary signatures authorized. Motion carried 7 to 0.

## CHOICE VOUCHER

### SECTION 8 HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN REVISIONS.

Agenda Report No. 06-0509

The U.S. Department of Housing and Urban Development (HUD) has identified required documents and practices for Section 8 Housing Choice Voucher programs, to include in their operational plans. These requirements must be met in order for Housing Authorities to apply for grants for new or continuation funding. The Governing Board of the Housing Authority must approve revisions to the Section 8 Administrative Plan before changes can be implemented.

The Wichita Housing Authority has made necessary revisions and updates to its operating plans, to comply with HUD's requirements. In addition, other miscellaneous modifications have been made, to strengthen the Section 8 operational plans. Changes proposed with this action are summarized in Appendix 1.

Amendments are required or permitted in accordance to Rules and Regulations for Administration of Section 8 Housing Choice Voucher Program

Motion--  
--carried

Inafay Grays-McClellan moved that the revisions to the Section 8 Administrative Plan for the Section 8 Housing Choice Voucher Program be reviewed and approved. Motion carried 7 to 0.



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## CITY COUNCIL

### **BOARD APPTS.**

### **BOARD APPOINTMENTS.**

No appointments were made.

### **RECESS:**

Motion--

Vice-Mayor Gray moved that the City Council recess at 11:15 a.m. and go into Executive Session at 11:25 a.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation and legal advice; and confidential data relating to the financial affairs or trade secrets of a business, and that the City Council return from Executive Session no earlier than 11:50 a.m. and reconvene in the Council Chambers of City Hall. Motion carried 6 to 0.

-- carried

### **RECONVENE**

The City Council reconvened in the City Council Chambers at 11:55 a.m. Vice-Mayor Gray announced that no action was taken.

Motion--carried

Vice-Mayor Gray moved at 11:55 a.m. that the Executive Session be adjourned. Motion carried 6 to 0.

Motion--carried

Vice-Mayor Gray moved at 11:56 a.m. that the Regular Meeting be adjourned. Motion carried 6 to 0.

### **ADJOURNMENT**

The City Council meeting adjourned at 11:56 a.m.

Respectfully submitted,

Patsy Eichacker,  
Deputy City Clerk